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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,147	09/08/2003	Takashi Maeda	242519US0CONT	1370
22850	7590	06/28/2006		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER HENDRICKSON, STUART L	
			ART UNIT 1754	PAPER NUMBER

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/656,147	MAEDA ET AL.	
	Examiner	Art Unit	
	Stuart Hendrickson	1754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 10-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. 6118650 taken with Anani et al. 5439756 and Neat et al. 5030523 and applicant's admissions.

Maeda teaches in columns 7, 8, 11 and 12, making the claimed capacitor. Column 7 teaches the features of the newly-added claims. This differs in not teaching the details of the use and construction of the battery/cell, however applicant admits on specification pg. 33 that these details are old and known. The examiner takes Official Notice that these specific techniques are old and known, as is the discharge/charge under constant current.

It is noted that Neat teaches in column 3 charging a cell to 3.25 volts, and a carbon containing material. Anani teaches in col. 4 a charging scheme which can be varied according to the system, what appears to be the same electrode synthesis and an active carbon material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the techniques of the additional references in the process of Maeda because doing so exploits the properties of the carbon material made and prepares the cell for use.

Concerning claims 12, 13, column 4 indicates that the claimed values are overlapped by the reference. Although most of the examples report an area greater than 1000, it is noted that this can be optimized to the values of column 4 by varying the time of activation. Concerning claims 17, 21 and 22, using organic nonaqueous electrolyte is an obvious expedient to do chemistry on organic materials, while immersing the electrodes is an obvious expedient to permit current to flow and the reagents to contact each other for normal operation.

Applicant's arguments filed 4/12/06 have been fully considered but they are not persuasive.

The bulk of the arguments are that the charging is not taught. However the supporting references show that charging to high voltages is conventional, and indeed would be obvious at the very least to characterize the system. While it is granted that most systems would not

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normally employ the claimed voltages in normal operation, the argument that the claimed charging should not be confused with operating voltages is noted. However, the claims do not exclude an operating voltage above 2.5 V, nor do they require that the charging be done before the 'main' process. Even if the claims were amended to correspond to what is argued, the rejection above would be maintained.

In the IDS, the four JP references not submitted with the parent application were not found, and are requested. For convenience, it will be returned when all references have been considered.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (571) 272-1351.



Stuart Hendrickson
examiner Art Unit 1754